

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2004 NOV 17 PM 2:00

C. A. No. 04-10258 NG

ARTHUR PERNOKAS and  
DIANNE PERNOKAS,

Plaintiffs

v.

BARRIE PASTER, MD,

Defendant

**PLAINTIFF'S DISCLOSURES UNDER  
FED. R. CIV. P. 26(a)(1), LR 26.2(A) & LR 35.1**

**I. FED. R. CIV. P. 26(a)(1) & LR 26.2(A)**

In accordance with Fed. R. Civ. P. 26(a)(1) and LR 26.2(A), plaintiff makes the following disclosures:

**A. Individuals likely to have discoverable information relevant to disputed facts:**

<b>NAME:</b>	<b>ADDRESS &amp; TEL NO:</b>	<b>SUBJECT(S):</b>
Arthur & Dianne Pernokas		Liability, Damages
Putnam P. Breed, MD	22 Morrill Pl. Amesbury, MA 01913 (978) 462-8211	Diagnosis, Operation
William G. Jackson, MD	Anna Jaques Hosp. 25 Highland Avenue Newburyport, MA 01950 (978) 463-1000	Subsequent Medical Treatment
Jocelyn Duff, P.A., C.	24 Morrill Pl. Amesbury, MA 01913 (978) 388-5050	Medical Care & Treatment, Liability, Damages

Barrie Paster, MD	24 Morrill Pl. Amesbury, MA 01913 (978) 388-5050	Medical Care & Treatment, Liability, Damages
Jeff Scilingo Director of Engineering Watts Water Industries	815 Chestnut St. No. Andover, MA 01845 (978) 689-6167	Damages, Foregone Earnings
Peter Marcello, MD	One Essex Center Dr. Peabody, MA 01960 (978) 538-4000	Subsequent Medical Treatment
Paul J. Spieler, MD	70 East St. Methuen, MA 01844 (978) 685-7811	Subsequent Medical Treatment
Yamil H. Kouri, MD	"	Subsequent Medical Treatment, Damages
Stephen Chastain, MD	33 Lawrence St. Methuen, MA 01844 (978) 683-3023	Subsequent Medical Treatment

**B. Documents produced/identified because they are believed to be relevant to disputed facts:**

**DESCRIPTION/CATEGORY:**

**LOCATION:**

Medical Record  
- Greenleaf Medical Assoc.

Identified

Medical Record  
- Putnam P. Breed, MD

Identified

Medical Record  
- William G. Jackson, MD

Identified

Medical Record  
- Peter Marcello, MD

Identified

Medical Record  
- Paul J. Spieler, MD

Identified

Medical Record - Stephen Chastain ,MD	Identified
Medical Record -Yamil H. Kouri, MD	Identified
Hospital Record - Anna Jaques	Identified
Hospital Record - Lahey Clinic	Identified
Hospital Record - Caritas Holy Family	Identified
Employment Record -Watts Water Industries	Identified

**C. Computation of the categories of damages suffered by plaintiff in this action, and the production/identification of relevant documents:**

1. Medical Expenses: Undetermined
2. Pain and Suffering: Mr. Pernokas went undiagnosed with colon cancer for several years. At times he was doubled over in pain and passing blood, often fatigued, and unable to find out what was wrong with him. When his cancer was finally diagnosed, he endured painful medical treatment including an ileocelectomy and chemotherapy for approximately seven months. He lost the opportunity to overcome his cancer at an earlier stage, putting him at risk for recurrence.
3. Impairment to his earning capacity: Undetermined

**D. There are no insurance agreements relating to plaintiff.**

**II. LR 35.1**

In accordance with LR 35.1, plaintiff makes this disclosure of medical information:

**Itemized Medical Expenses Incurred:**

- Greenleaf Medical Assoc.	Identified
- Putnam P. Breed, MD	Identified
- William G. Jackson, MD	Identified
- Peter Marcello, MD	Identified
- Paul J. Spieler, MD	Identified
- Yamil H. Kouri, MD	Identified
- Anna Jaques	Identified
- Lahey Clinic	Identified
- Caritas Holy Family	Identified

Plaintiffs do anticipate future medical expenses.

No privilege is asserted as to any medical record.

By their Attorney,



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ROBERT C. GABLER, ESQUIRE  
B.B.O. # 547227  
100 Summer Street, Suite 3232  
Boston, MA 02110-2104  
617-542-2121  
November 15, 2004

CERTIFICATE OF SERVICE

I, Robert C. Gabler, attorney for plaintiff, hereby certify that on this date I did serve **PLAINTIFF'S DISCLOSURES UNDER FED. R. CIV. P. 26(a)(1), LR 26.2(A) & LR 35.1** on the defendant by faxing and mailing a true copy, postage prepaid, to Charles P. Reidy, III, Esquire, MARTIN, MAGNUSON, McCARTHY & KENEY, 101 Merrimac St., Boston, Massachusetts, 02114.

DATE: November 16, 2004



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ROBERT C. GABLER, ESQUIRE